IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 6059/2007

SMT. SARITA SAINI Vs. STATE OF RAJASTHAN & ORS.

DATE: 14.08.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. G.K. Garg with
Mr. Saransh Saini for the petitioner.

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This writ petition is directed against the impugned notice dated 01.08.2007 (Annexure-1) issued by the Deputy Secretary, Local Self Department, Govt. of Rajasthan, by which the petitioner has been called upon to submit her explanation. It is also stipulated in the notice that the petitioner is required to submit her explanation within a period of 15 days, failing which the respondents shall initiate proceedings under Section 63 of the Rajasthan Municipalities Act, 1959.

Without filing any reply to the notice the petitioner has preferred the instant writ petition and that too without serving notice for demand of justice. The petitioner has submitted several documents along with the writ petition to show that she is not at all at any fault for allotment of the Pattas' to various persons.

Whatever plea which has been taken here in this writ petition and the documents filed along with it, the petitioner can file the same before the Deputy Secretary, Local Self Department, Govt. of Rajasthan in her explanation/reply to the notice dated 01.08.2007.

The petitioner seeks liberty to file reply in response to the impugned notice dated 01.08.2007, on such eventuality, the respondents are expected to consider the reply so submitted by the petitioner and then only pass order in accordance with the provisions of law, but in any case, at this stage, as per the settled preposition of law this writ petition is not maintainable as the show cause notice is issued to the petitioner by which opportunity of representing her case is already provided to the petitioner. No writ, order or direction is required to be issued except observations made herein above.

Consequently, the writ petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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